

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**JAMES GINO MARTINETTI,**

Plaintiff,

v.

**HOLDINGS ACQUISITION**

**COMPANY, LP** trading and doing

business as RIVERS CASINO,

**JAMES CAHILL, MATTHEW**

**SALISBURY**

Defendants.

2:23cv785

**Electronic Filing**

**MEMORANDUM ORDER**

The Complaint in the above captioned case was filed in the Court of Common Pleas of Allegheny County and thereafter removed on May 5, 2023. The case was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 53) filed on February 23, 2024, recommended that the Casino defendants' pending motion to dismiss be granted as to the conspiracy claim brought under 42 U.S.C. § 1985(3). The parties were informed that objections to the Report and Recommendation were due by March 8, 2024. No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 10<sup>th</sup> day of March, 2024,

IT IS ORDERED that [40] the motion to dismiss for failure to state a claim upon which relief can be granted filed by Defendants Holdings Acquisition Co. and James Cahill is granted as to the conspiracy claim under 42 U.S.C. § 1985(3) and denied in all other aspects. The

[53] Report and Recommendation of Magistrate Judge Kelly dated February 23, 2024, is adopted as the opinion of the Court.

s/David Stewart Cercone  
David Stewart Cercone  
Senior United States District Judge

cc: Michael D. Simon, Esquire  
Mariah L. Passarelli, Esquire  
Scot A. Bradley, Esquire  
  
(Via CM/ECF Electronic Mail)